

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CARDIONAL ANNA VINES CARTER,

Plaintiff,

v.

**Civil Action 2:12-cv-780
Judge Edmund A. Sargus, Jr.
Magistrate Judge Elizabeth P. Deavers**

**NIGHT MANAGEMENT
AND GAP PROTECTION, *et al.*,**

Defendants.

ORDER

This matter is before the Court for consideration of the September 7, 2012 Report and Recommendation of the United States Magistrate Judge Elizabeth A. Preston Deavers, to whom this case was referred pursuant to 28 U.S.C. § 636(b). (ECF No. 3.) The Magistrate Judge recommended that the Court dismiss this action for failure to assert any claim with an arguable basis in law over which this Court has subject matter jurisdiction.

The Report and Recommendation specifically advises Plaintiff that the failure to object to the Report and Recommendation within fourteen days of the Report results in a “waiver of the right to *de novo* review . . . by the District Judge and waiver of the right to appeal the judgment of the District Court.” (Report and Recommendation 6, ECF No. 3.) The time period for filing objections to the Report and Recommendation has expired. Plaintiff has not objected to the Report and Recommendation.

The Court has reviewed the Magistrate Judge's Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation. Accordingly, Plaintiff's Complaint is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Federal Rule of Civil Procedure 12(h)(3) for failure to state a claim with an arguable basis in law over which this Court has subject matter jurisdiction.

IT IS SO ORDERED.

10-3-2012
DATE


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE